

3210--A

2011-2012 Regular Sessions

I N   S E N A T E

February 11, 2011

---

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the criminal sale of a controlled substance to a person less than fourteen years of age

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 220.48 of the penal law, as added by section 28 of  
2     part AAA of chapter 56 of the laws of 2009, is amended to read as  
3     follows:  
4     S 220.48 Criminal sale of a controlled substance to a child IN THE  
5                SECOND DEGREE.  
6     A person is guilty of criminal sale of a controlled substance to a  
7     child IN THE SECOND DEGREE when, being over twenty-one years old, he or  
8     she knowingly and unlawfully sells a controlled substance in violation  
9     of section 220.34 or 220.39 of this article to a person less than seven-  
10    teen years old.  
11    Criminal sale of a controlled substance to a child IN THE SECOND  
12    DEGREE is a class B felony.  
13    S 2. The penal law is amended by adding a new section 220.49 to read  
14    as follows:  
15    S 220.49 CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST  
16                DEGREE.  
17    A PERSON IS GUILTY OF CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A  
18    CHILD IN THE FIRST DEGREE WHEN, BEING OVER EIGHTEEN YEARS OLD, HE OR SHE  
19    KNOWINGLY AND UNLAWFULLY SELLS A CONTROLLED SUBSTANCE IN VIOLATION OF  
20    SECTION 220.34 OR 220.39 OF THIS ARTICLE TO A PERSON LESS THAN FOURTEEN  
21    YEARS OLD.  
22    CRIMINAL SALE OF A CONTROLLED SUBSTANCE TO A CHILD IN THE FIRST DEGREE  
23    IS A CLASS A-II FELONY.  
24    S 3. This act shall take effect September 1, 2011.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD06942-02-1